

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Office Action dated October 31, 2007 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due. The Office is expressly authorized, however, to charge any deficiencies or credit any over-payments to Deposit Account No. 50-0951.

In the Office Action, Claims 1, 3, 4, 6, 10, 25, 27-30, 34,37, 49, and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,539,232 to Hendry, *et al.* (hereinafter Hendry), in view of Non-patent Literature reference :Personal Area Networks: Near-Field Intrabody Communication:, IBM Systems Journal; 1996, Zimmerman (hereinafter Zimmerman). Claims 2, 11, 12, 26, 35, and 36 where rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendry in view of U.S. Patent 6,347,301 to Bearden, *et al.* (hereinafter Bearden).

Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended certain claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention. Applicants respectfully note, however, that the amendments are not intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

In particular, Applicants have amended independent Claims 1, 10, 25, and 34. Applicants also have amended dependent Claim 3 so as to maintain consistency among the claims. The claim amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced by virtue of any of the claim amendments.

**Certain Aspects Of Applicants' Invention**

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, typified by Claim 1, is a method of identifying common contacts.

The method can include receiving in a first portable computing device, which corresponds to a first user, a local wireless communication received directly from a second portable computing device corresponding to a second user. The local wireless communication can comprise an infrared communication and/or a radio frequency (RF) communication, the local communication identifying the second user. The first and second portable computing devices can include locally stored contact information as well as processing capabilities for sending and receiving contact information and for comparing the contact information to determine whether the first and second users share at least one common contact. (See, e.g., Specification, page 11, lines 18-25; see also FIG. 5.)

Based upon comparing the contact information, according to the method, it can be determined whether the first and second users share at least one common contact. If at least one common contact is determined, then the method can include sending at least one subsequent non-local wireless communication to the first and second portable computing devices. The at least one subsequent non-local wireless communication can provide to the second user a visual symbol and a first identifier that identifies the user who has the at least one contact in common with the other user. It also can provide to the first user the same visual symbol and a second identifier identifying the second user who also has the at least one contact in common with the first user. Moreover, the visual symbol can indicate an acquaintance between the first and second user sharing the at least one common contact, the visual symbol including text providing a name of the at least one common contact. (See, e.g., Specification, p. 10, lines 5-15; see also FIG. 3, especially element 300.)

The method further can include displaying the visual symbol on a first display of the first portable computing device and on a second display of the second portable computing device. Thus, the visual symbol can be configured to provide mutual visual identification to the first and second user as well as to identify the name of the common contact. (See, e.g., Specification, p. 10, lines 5-15; see also FIG. 3, especially element 300.)

### **The Claims Define Over The Cited References**

#### ***Claims 1 and 25***

With respect to independent Claims 1 and 25, Applicants respectfully submit that not every feature recited in the claims is taught or suggested by the references, even when the references are combined. For example, Claims 1 and 25 recite that first and second portable computing devices each include locally stored contact information. Moreover, the first and second portable computing devices possess processing capabilities for sending and receiving contact information as well as for comparing the contact information to determine whether the first and second users share at least one common contact.

Hendry does not teach or suggest any of these features. Hendry's ability for "creating matches" requires resorting to a remotely located "matchmaker." (See, e.g., Col. 5, lines 36-52.) The matchmaker is explicitly described in Hendry as being a "server" to which a "telecommunications unit" connects via a "telecommunications link:"

"Referring to FIG. 1, aspects of the invention may be embodied in a telecommunications environment where a number of users make use of a location-aware telecommunication system 120. FIG. 1 shows a typical telecommunication infrastructure, with the specific additional capability that system 120 is able to determine the position of MUs 101a-101d using

location determining technology known in the art, such as global positioning systems (GPS), time difference of arrival (TDOA), angle of arrival (AOA), and other like systems and methods. An additional capability that may be present in some embodiments of the invention is the ability to determine the location of SUs 102a and 102b, which may be accomplished for example via preexisting caller ID information, collating telephone listing street information corresponding to an SU 102 with a map database, or other location determining means.

"System 120 may contain one or more instances of telecommunication switches 104, general-purpose telecommunication links 111 (fiber, wire, microwave, wireless, etc.), wireless telecommunication links 110, base stations 103 for wireless MUs 101, and SU telephones 102. Connected to system 120 may be a customer info database server 105, an acquaintance server 106, matchmaker service and database (matchmaker) 107, and a connection server 108, each for use with one or more embodiments of the invention, as disclosed herein. The customer information database 105, automatic connection initiation service 106, matchmaker 107 and connection server and database 108 may either be integrated into system 120 or may be operated independently, external from system 120. Additionally, it is possible to combine the functions of database server 105, server 106, matchmaker 107, and server 108 in one or more server, or they may each be maintained separately." (Col. 5, lines 14-52.)

Accordingly, Hendry teaches away from the storing of contact information in a mobile device, as recited in Claims 1 and 25. Hendry thus is incapable of determining matches between contact information apart from the remote server described in the quoted portion of the reference, especially since contact information is stored only on the

remote server and not locally by a mobile device. Moreover, the purpose of Hendry's matchmaker is to process information to determine a match. As Hendry's matchmaker is a server that exists independent of and apart from the mobile units of Hendry, it follows that Hendry does not teach or suggest comparing contact information stored on a mobile unit so as to determine through processing performed by the mobile unit whether the first and second users share at least one common contact, as further recited in Claims 1 and 25.

Zimmerman likewise fails to teach or suggest any of these features. Zimmerman does not teach or suggest storing contact information. The only data Zimmerman stores are "ASCII characters representing an electronic business card" for a single individual. (See, e.g., pages 165-166.) Zimmerman accordingly has no reason to store contact information. More fundamentally, Zimmerman does not even contemplate processing contact information so as to determine whether or not two individuals share one or more common contacts.

Bearden describes a hand-held computer that stores information about an individual attendee to a conference. (See, e.g., Col. 5, lines 37-64.) Bearden, however, does not determine whether or not two individuals share a third-party contact in common. Certainly, Bearden does not teach or suggest providing any storage of data or processing capabilities for effecting such a determination with a hand-held or mobile device. Bearden's "identification badge" merely displays information that identifies an attendee and possibly the attendee's affiliation or area of interest. (See, e.g., Col. 6, lines 8-20.)

### ***Claims 1, 10, 25, and 34***

Applicants further respectfully submit with respect to independent Claims 10 and 34 as well as independent Claims 1 and 25, none of the references, alone or in combination, teach or suggest every feature recited in the claims. For example, as noted in the Office Action, neither Hendrey nor Zimmer teach providing symbols or identifiers that indicate a common contact. (See Office Action, page 4.)

In the Office Action, however, it is stated that Bearden teaches color coding badges based on a classification of a conference attendee's group affiliation or area of interest. Specifically, Bearden provides:

"The identification badge 30 preferably further includes the attendee's name, corporate name, and other forms of identification such as area of specialty or area of special interest. The identification badge 30 may be color coded for easier classification. Finally, the identification badge 30 may also contain a bar code or other similar markings to facilitate registration and easy identification." (Col 6, lines 8-14.) (Emphasis added.)

A complete reading of this portion of the reference clearly reveals that Bearden's identification badge serves only that one purpose, namely, to identify the wearer. Accordingly, even when combined with any of the other references, Bearden does not teach or disclose the feature of electronically displaying indicia that clearly identify by name another person determined with a mobile device to be a common contact shared by at least two other persons, as recited in each of the independent claims.

### **CONCLUSION**

Accordingly, none of the cited references, alone or in combination, teach or suggest each of the features recited in independent Claims 1, 10, 25, and 34. Applicants respectfully submit, therefore, that Claims 1, 10, 25, and 34 each define over the prior art. Applicants further respectfully submit that, whereas each of the remaining claims depends from Claims 1, 10, 25, and 34 while reciting additional features, each of the dependent claims likewise defines over the prior art.

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the

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undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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